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1 AUTHORITY, PURPOSES AND INTENT, PLANNING COMMISSION, AND ZONING ADMINISTRATOR

1-A AUTHORITY AND ENACTMENT

This Ordinance, to be cited as the Zoning Ordinance of Clarke County, is hereby ordained, enacted and published by the Board of Supervisors of Clarke County, Virginia, pursuant to the provisions of Title 15.2, Chapter 22, Article 7, Code of Virginia, 1950, and amendments thereto.

1-B PURPOSES AND INTENT

1-B-1 This Ordinance, insofar as is practicable, is intended to be in accord with and to implement the Comprehensive Plan of Clarke County adopted pursuant to the provisions of Title 15.2, Chapter 22, Article 3, Code of Virginia, 1950, as amended, and has the purposes and intent set forth in Title 15.2, Chapter 22, Article 7.

1-B-2 This Ordinance is for the general purpose of promoting the health, safety or general welfare of the public and of accomplishing the objectives of Section 15.2-2200 and Section 15.2-2283 of the Virginia Code. To these ends, this Ordinance is designed:

- 1-B-2-a To provide for adequate light, air, convenience of access, and safety from fire, flood and other dangers;
- 1-B-2-b To reduce or prevent congestion in the public streets and roads;
- 1-B-2-c To facilitate the creation of a convenient, attractive and harmonious community;
- 1-B-2-d To expedite the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements;
- 1-B-2-e To protect against destruction of, or encroachment upon, historic areas;
- 1-B-2-f To protect against one or more of the following: Overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic or other dangers;
- 1-B-2-g To encourage economic development activities that provide desirable employment and enlarge the tax base; and
- 1-B-2-h To protect and stabilize the rural agricultural, forestall and open space areas that are essential to maintaining the County's heritage, character and economy.

1-C PLANNING COMMISSION

(7/15/08)

- 1-C-1 The Clarke County Planning Commission is created and organized pursuant to Article 2, Chapter 22 of the Code of Virginia (§15.2-2210, et seq.) and shall have the purposes, duties, and authority set forth therein.
- 1-C-2 The Planning Commission shall consist of eleven members, appointed by the Board. Members of the Planning Commission shall be residents of the County, with there being two residents of each of the Board Election Districts. In addition, one member of the Commission shall be a member of the Board. Members of the Commission shall be qualified by knowledge and experience to make decisions on questions of community growth and development. At least one-half of the members of the Planning Commission shall be owners of real property in the County.
- 1-C-3 The term of the member who is also a member of the Board shall be co-extensive with the term of office to which he or she has been elected or appointed, unless the Board, at the first regular meeting each year, appoints another to serve as its representative. The remaining members of the commission first appointed shall serve respectively for terms of one year, two years, three years, and four years, divided equally or as nearly equal as possible between the membership. Subsequent appointments shall be for terms of four years each. Vacancies shall be filled by appointment for the unexpired term only.
- 1-C-4 Each member of the Commission shall take an oath of office before the Clerk of the Circuit Court.
- 1-C-5 Meetings of the Planning Commission shall be in accordance with Virginia Code §15.2-2214.
- 1-C-6 A majority of the members shall constitute a quorum and no action of the Planning Commission shall be valid unless authorized by a majority vote of those present and voting.
- 1-C-7 The Planning Commission shall elect from its members a Chairman and a Vice-Chairman, whose terms shall be for one year.

1-D ZONING ADMINISTRATOR

(7/15/08)

- 1-D-1 This Ordinance shall be administered and enforced by an officer to be known as the Zoning Administrator who shall be appointed by the Board of Supervisors of Clarke County, Virginia.
- 1-D-2 The Zoning Administrator shall have all necessary authority on behalf of the Board to administer and enforce the Zoning Ordinance, including the ordering in writing of the remedying of any condition found in violation of this Ordinance, and the bringing of legal action to insure compliance with the Ordinance, including injunction, abatement, or other appropriate action or proceeding.
- 1-D-3 The Zoning Administrator may request and shall receive the assistance and cooperation of appropriate officials of Clarke County, including, but not limited to, the Sheriff and Commonwealth's Attorney, and the Virginia Department of Health.

- 1-D-4 (7/15/08) Any written notice of a zoning violation or any written order or administrative determination made by the Zoning Administrator shall include a statement informing the property owner and/or recipient the right to appeal the notice of zoning violation or the written order or administrative determination within 30 days, and that the decision shall be final and unappealable if not appealed within 30 days after the decision appealed from by filing with the Zoning Administrator, and with the Board of Zoning Appeals, a notice of appeal specifying the grounds thereof.
- 1-D-5 In no event shall a written order, requirement, decision, or determination made by the Zoning Administrator or other administrative officer be subject to change, modification, or reversal by any Zoning Administrator or other administrative officer after 60 days have elapsed from the date of the written order, requirement, decision, or determination where the person aggrieved has materially changed his position in good faith reliance on the action of the Zoning Administrator or other administrative officer, unless it is proven that such written order, requirement, decision, or determination was obtained through malfeasance of the Zoning Administrator or other administrative officer or through fraud. The 60-day limitation period shall not apply in any case where, with the concurrence of the attorney for the Board, modification is required to correct clerical or other nondiscretionary errors.